

### **REMARKS**

In response to the Office Action dated September 7, 2005, detailing a Restriction Requirement under 35 U.S.C. § 121, applicants elect Invention VI, claims 29-32, drawn to CatSper2 polypeptides. Accordingly, the present amendment cancels claims 1-26, 33-42, 44, 45, 47, 50, 51, 53, 61, 64, 75, 86, 89, 92, and 100. Upon entry of the amendment, claims 29-32, 41, 43, 46, 48, 49, 72, and 94 will be pending.

The Office Action further requires selection of a CatSper2 species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (Office Action at p. 10). The Office Action indicates that all claims of Group VI are generic with respect to this aspect of the Requirement. Applicants select the species SEQ ID NO:2, encoding a human CatSper2.

The Office Action also requires species selection of a CatSper2 epitope sequence for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (Office Action at page 10). The Office Action indicates that all claims of Group VI are generic with respect to this aspect of the Requirement. Applicants select the species of residues 316-340 of SEQ ID NO:2.

Paragraph 7 of the Office Action (page 8) does not indicate that Groups X, XI, XVI, XIX, and XXIII are not related as product and process claims to elected invention VI. Accordingly, applicants assume that these inventions are related and have maintained the claims of those inventions in the present application. Claim 41 is not included in these inventions, however, the claims of Groups X and XI depend from claim 41 and therefore, the claim has not been canceled. If applicants' understanding of paragraph 7 is in error, it is requested that the examiner contact the undersigned to discuss this matter.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and amend the Restriction Requirement.

Applicants believe that the application is in condition for consideration on the merits, which action is respectfully requested.

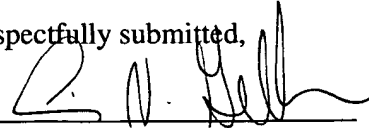
### CONCLUSIONS

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with, or concession of, that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for inclusion of the claims in the present application that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, unless specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants enclose herewith a Petition for a 2-Month Extension of Time up to and including December 7, 2005 to respond to this Restriction Requirement. Please charge our Deposit Account No. 08-0219 the fee for this extension. If any other fees or refunds are due, please charge or credit our Deposit Account.

If the Examiner believes that discussion of this communication would be helpful, please contact the undersigned at the telephone number provided below.

Dated: December 7, 2005

Respectfully submitted,  
  
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